THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 17538 of 2007

01-11-2007

Between:

K. Subramanyam and fourteen others.

Petitioners

And

Government of Andhra Pradesh
Rep., by its Principal Secretary,
A.P. Secretariat, Hyderabad and three others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No.17538 of 2007

Oral Order:

The fifteen (15) petitioners are residents of Wanaparthy town and own properties including Mulgies and residential houses on the Wanaparthy sector of Kurnool-Hyderabad road. Apprehending unlawful action by the fourth respondent-Municipality at the instance of the second and third respondents in dispossessing them from the properties and dismantling them for the purpose of road widening, this writ petition is filed seeking

appropriate relief.

Initially on behalf of the Municipality, the Commissioner has filed an affidavit dated 30-08-2007 vaguely suggesting that the master-plan was approved in G.O.Ms.No.479, MA dated 19-09-2000 and that a road development plan was also approved by the Regional Director of Town and Country Planning for implementation as per the master-plan and resorting for executing the road widening in accordance with the master-plan, no acquisition of private property need be resorted to. Disabused of this extravagant notion, he filed an additional affidavit dated 30-09-2007.

In the additional affidavit, the fourth respondent states that this respondent would follow the due process of law before demolition of the structures or acquisition of the private property of the petitioners even for the purpose of road widening in accordance with the master-plan and that such acquisition will be pursued either through negotiations or by resorting to the provisions of the Land Acquisition Act, 1894. Sri P. Radhakrishna, learned standing counsel for the fourth respondent-Municipality reiterates this commitment of the fourth respondent and further states that the fourth respondent has no legal alternative, but to pursue acquisition by following the due process of law.

In the light of the unequivocal averment in the additional affidavit filed on behalf of the fourth respondent,

as reported by the learned standing counsel for the said respondent, the petitioners' apprehensions are seen to have no basis.

The writ petition is disposed of recording the averments and the statements made on behalf of the fourth respondent. The interim order dated 14-09-2007 granted by this Court stands dissolved. No costs.

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GODA RAGHURAM, J

Dated: 01-11-2007
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